

REMARKS

The Examiner has issued a Notice of Non-Compliant Amendment and stated that the amendment document filed on January 13, 2005 is considered non-compliant because it has failed to meet the requirements of 37 C.F.R. 1.121. Applicant respectfully disagrees.

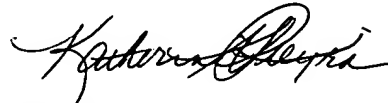
Applicant appreciates that Supervising Examiner John Weiss had a telephone conversation with applicant's attorney on March 9, 2006. Examiner Weiss stated that a new Office Action would be forthcoming within the next week or so.

Examiner Weiss also stated that the Notice was inappropriate for at least two reasons. The Examiner should have been examining the Response to the Restriction Requirement filed November 21, 2005, and the claims elected therein, namely claims 1-9 and claim 11. Instead, the Notice refers not only to claim 1 but also to claim 12 which is a non-elected claim. Also, the Examiner appears to object to the adding of limitations to the claims, but, unless the amendments contain new matter, amendments with additional limitations are permitted.

Applicant states that no new matter has been added with the amendment to the claims filed January 13, 2005. Further, the Examiner's statement that "applicant can file an amendment within the scope of the original presentation" is unclear. Applicant does not know what is meant by this statement and no rules or codes are cited. Thus, applicant requests that this finding of non-compliance be withdrawn.

In view of the foregoing, an examination on the merits of the elected claims, at an early date, is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Katherine R. Vieyra", written in a cursive style.

Katherine R. Vieyra
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